

within the coverage grant of the Garage Coverage part of the Policy; (b) are excluded from coverage under the Commercial General Liability coverage part of the Policy; and (c) do not fall within the coverage grant of any other portion of the Policy. Cincinnati has no duty to defend Blue Cab in the Sanders Lawsuit for the additional reasons that (a) Blue Cab selectively tendered its defense to an insurer other than Cincinnati (First Chicago Insurance Company); and (b) any coverage available to Blue Cab under the Cincinnati Policy is excess to the other insurance available to Blue Cab.

5. The arguments and authority in support of this Motion are set forth in Cincinnati Insurance Company's Memorandum in Support of its Motion for Summary Judgment, the Rule 56 Statement of Uncontested Material Facts, and the Appendix of Exhibits filed contemporaneously herewith and incorporated by reference.

WHEREFORE, for the reasons stated above and those set forth in Cincinnati Insurance Company's Memorandum in Support of its Motion for Summary Judgment, Cincinnati respectfully requests that this Honorable Court grant this motion and issue an order:

- A. Declaring that Cincinnati has no obligation under the General Liability Coverage Part of the Policy to defend, indemnify, or reimburse Blue Cab with respect to the Sanders Lawsuit;
- B. Declaring that Cincinnati has no obligation under the Garage Liability Coverage Part of the Policy to defend, indemnify, or reimburse Blue Cab with respect to the Sanders Lawsuit;
- C. Declaring that Cincinnati is entitled to all costs and attorneys' fees; and
- D. Granting any other relief the Court deems appropriate, including an award

of fees and costs.

DATED: May 25, 2012

Respectfully submitted on behalf of
Cincinnati Insurance Company,

/S/ Hope G. Nightingale
By One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2012, I served the foregoing **CINCINNATI INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT** on the following:

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by email and by placing a true and correct copy of same in the U. S. Mail at 303 W. Madison Street, Chicago, IL 60606.

Cincinnati Insurance Company

By: /s/ Hope G. Nightingale

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